

REMARKS

I. Introduction

Claims 1, 3-20, 22-36 and 38-45 are pending in this application. By this amendment claims 1, 20 and 36 are amended to incorporate features of dependent claims, claims 3, 8, 10, 12, 22, 24, 26 and 38-40 are amended to change their dependencies, and claims 2, 21 and 37 are cancelled. Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Applicants appreciate the Office Action's indication of allowable subject matter in claims 19, 32, 33, 44 and 45. However, for the reasons discussed herein, Applicants submit that all pending claims define patentable subject matter.

II. Claims 1, 3-20, 22-36 and 38-45 define patentable subject matter.

The Office Action rejects claims 1, 20 and 36 under 35 U.S.C. §102(e) over U.S. Pat. No. 6,590,889 to Preuss et al. (hereinafter Preuss); and rejects claims 2-18, 21-31, 34, 35, 37-43 and 45 under 35 U.S.C. § 103(a) over Preuss in view of U.S. Pat. No. 6,678,310 to Andren et al. (hereinafter Andren). Applicants respectfully traverse the rejection.

In particular, Applicants submit that independent claims 1, 20 and 36 have been amended to incorporate the subject matter of claims 2, 21 and 37 respectively. Furthermore, without commenting on the validity of the rejection based on Pruess, Applicants assert that Andren and this application were, at the time this invention was made, under an obligation of common assignment to the same entity, namely Intersil Americas, Inc. of Milpitas, CA. Therefore, based on the § 103(c) exclusion for commonly assigned prior art that qualifies by way of § 102(e), applicable to applications filed after November 29, 1999, that Andren does not qualify as prior

art against this application. Therefore, the rejection of claims 2-18, 21-31, 34, 35 and 37-43 is improper. Moreover, because the subject matter of claims 2, 21 and 37 has been amended into independent claims 1, 20 and 36 respectively, therefore these claims are patentable over the combination of applied references. Accordingly, Applicants respectfully request that all rejections of the claims be withdrawn.

III. Conclusion


In view of the forgoing, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited. Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

In the event any variance exists between the amount enclosed and the PTO charges, please also charge or credit any difference to Deposit Account No. 50-0206.

Respectfully submitted,

Dated: Monday, August 30, 2004

By: _____


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